

CONGRESS

11/12/76
those provided for the date, number, and reference of bill.

SESSION

S.

11/14/76

IN THE SENATE OF THE UNITED STATES

Mr. _____

introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

(Insert title of bill here)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Oversight Act of 1976."

SEC 2. It is the purpose of this Act to establish a new Standing Committee of the Senate to oversee and to make continuing studies of the intelligence activities and programs of the United States Government. In carrying out this purpose, the Committee on Intelligence Activities shall make every effort to assure that the appropriate agencies and departments of the United States provide informed and timely intelligence necessary for the Executive and Legislative Branches to make sound decisions affecting the security of the Nation. It is further the purpose of this Act to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 3. Sections 4 through 12 of this Act are enacted --

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the Standing Rules of the Senate, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the Constitutional right of the Senate to change such rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

SEC. 4. Rule XXIV of the Standing Rules of the Senate is amended by adding at the end thereof a new paragraph as follows:

"3. (a) Five members of the Committee on Intelligence Activities shall be appointed by the majority leader of the Senate and four shall be appointed by the minority leader of the Senate.

"(b) No Senator may serve on the Committee on Intelligence Activities for more than six years, exclusive of service by any Senator on such committee during the ninety-fourth Congress. To the greatest extent practicable, the requirements of this section shall be met by selecting three new Senators to serve on the Committee at the beginning of the ninety-sixth Congress and each Congress thereafter.

"(c) At the beginning of each Congress, the members of the Committee on Intelligence Activities appointed by the majority leader shall select a chairman and the members of such committee appointed by the minority leader shall select a vice chairman. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman."

SEC. 5. (a) Subparagraph (d)1 of paragraph 1 of Rule XXV of the Standing Rules of the Senate is amended by striking out the period at the end of such subparagraph and inserting in lieu thereof a comma and the following: "except matters described in subparagraphs (s)(1) and (2)."

(b) Subparagraph (i)1 of paragraph 1 of Rule XXV of the Standing Rules of the Senate is amended by striking out the period at the end of such paragraph and inserting in lieu thereof a comma and the following: "except matters described in subparagraphs (s)(1) and ~~(2)~~."

(c) Subparagraph (1)9 of paragraph 1 of Rule XXV of the Standing Rules of the Senate is amended by striking out the comma after the word "espionage" and inserting in lieu thereof the following: "(except matters described in subparagraphs (s)(1) and ~~(2)~~,".

SEC. 6. (a) Paragraph 1 of Rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following new subparagraph:

"(s)(1) Committee on Intelligence Activities, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

"(A) The Central Intelligence Agency and the Director of Central Intelligence.

"(B) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of Defense; the Department of Justice; the Department of State; and the Department of the Treasury.

"(C) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving national intelligence or domestic intelligence.

"(D) Authorizations for appropriations for the following:

"(i) The Central Intelligence Agency.

"(ii) The Defense Intelligence Agency.

"(iii) The National Security Agency.

"(iv) The national intelligence activities carried out by the Department of Defense.

"(v) Intelligence activities of the Federal Bureau of Investigation.

"(vi) The intelligence activities of any successor departments or agencies to those departments and agencies named in this subclause."

(b) Paragraph 3 of Rule XXV of the Standing Rules of the Senate is amended by inserting

"Intelligence Activities ----- 9"

immediately below

"District of Columbia ----- 7"

(c) Paragraph 6 of Rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following new subparagraph:

"(i) For the purposes of this paragraph, service of a Senator as a member of the Committee on Intelligence Activities shall not be taken into account."

SEC. 7. The Committee on Intelligence Activities of the Senate, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States, and shall promptly call to the attention of the Senate any matters deemed to raise significant questions under the Constitution or laws of the United States or to otherwise require the immediate attention of the Senate.

SEC. 8. (a) No member of the Committee on Intelligence Activities of the Senate and no member of the staff of such committee shall disclose outside such committee any information in the possession of or obtained by such committee relating to the activities of the Central Intelligence Agency or any other department or agency of the United States engaged in intelligence activities unless authorized by such committee. No member of the Senate shall disclose outside the Senate any information conveyed to the Senate in closed session by the Committee on Intelligence Activities of the Senate unless authorized by the Senate.

shall
Senate *may* refer to the Select Committee on Standards and Conduct of the Senate for investigation and other action: (1) any disclosure outside the Committee on Intelligence Activities of the Senate, not authorized by such committee, of any information in the possession of or obtained by such committee relating to the activities of the Central Intelligence Agency or any other department or agency of the United States engaged in intelligence activities; and (2) any disclosure outside the Senate, not authorized by the Senate, of any information conveyed to the Senate in closed session by the Committee on Intelligence Activities. The Select Committee on Standards and Conduct of the Senate shall investigate *such disclosure* any ~~breach of confidentiality~~ referred to it pursuant to this subsection and shall recommend appropriate action, such as censure or removal from office.

SEC. 9. (a) No person may be employed as a professional staff member of the Committee on Intelligence Activities of the Senate or be engaged by contract or otherwise to perform services for such committee for a period totaling more than nine years.

(b) No employee of such committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has received an appropriate

security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee, in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 10. The Committee on Intelligence of the Senate shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which infringes upon the privacy or Constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the public interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 11. (a) The Committee on Intelligence Activities of the Senate may, after full and considered consultation with appropriate officials of the Executive Branch, disclose to the public any information received by it from ~~the President or Vice President or~~ any department or agency of the United States upon the committee's determination that the national interest would be served by such disclosure. In any case in which such committee decides to make public any information requested to be kept confidential by the ~~President, Vice President, or~~ the head of a department or agency, as the case may be, such committee shall notify the President to that effect. Such committee may publicly disclose such information after the expiration of ten days following the day on which notice is transmitted to the President unless prior to the expiration of such ten-day period the President submits a written certification to such committee *indicating that disclosure should not be made* ~~stating that the national interest in the disclosure of such information is clearly outweighed by the probability of grave harm to the national security.~~

(b) If after timely receipt of a certification by the President made pursuant to subsection (a), the Committee on Intelligence Activities determines that such information should be publicly disclosed, such committee shall refer the question of disclosure of such information to the Senate for such action as the Senate deems appropriate.

(c) Any question referred to the Senate by the Committee on Intelligence Activities pursuant to subsection (b) shall be disposed by the Senate within three calendar days following the day on which the question is reported to the Senate, excluding days on which the Senate is not in session.

SEC. 12. The Committee on Intelligence Activities of the Senate is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 13. (a) Notwithstanding any other provision of law, it shall be the duty of the head of each department and agency of the United States to keep the Committee on Intelligence Activities of the Senate fully and currently informed with respect to ~~all~~ intelligence activities which in any respect are [the responsibility of or are planned, supervised, financed, or] engaged in by such department or agency.

(b) Notwithstanding any other provision of law, it shall also be the duty of the head of any department or agency of the United States involved in any intelligence activities to furnish any information or document in its possession, custody, or control, or witness in its employ, whenever requested by the Committee on Intelligence Activities of the Senate with respect to any matter within such committee's jurisdiction.

(c) In order that the Committee on Intelligence Activities of the Senate may have sufficient time to consult with and advise any department or agency of the United States regarding certain kinds of intelligence activities proposed to be carried out by such department or agency, before such department or agency initiates such activities, such

committee is authorized to specify any type or kind of intelligence activity as to which in its judgment such committee should be given notice prior to any executive decision to carry out any such activity. No department or agency of the United States may engage in, directly or indirectly, and no agency head may authorize or direct any type or kind of intelligence activity specified in writing to the President as ~~especially sensitive by~~ the Committee on Intelligence Activities of the Senate unless such committee has been fully informed of the proposed activity by the head of the department or agency concerned prior to the time such activity is initiated.

SEC. 14. No funds may be appropriated for any fiscal year beginning after September 30, 1976, to or for the use of any department or agency of the United States to carry out any of the following activities unless such funds have been previously authorized to carry out such activity for such fiscal year;

- (A) The activities of the Central Intelligence Agency.
- (B) The activities of the Defense Intelligence Agency.
- (C) The activities of the National Security Agency.
- (D) The national intelligence activities carried out

by the Department of Defense.

(E) The intelligence activities of the Federal Bureau of Investigation.

(F) The intelligence activities of any successor departments and agencies to those departments and agencies listed in clauses (A) through (E).

SEC. 15. The Comptroller General of the United States shall from time to time, at the request of the Committee on Intelligence Activities of the Senate, conduct financial audits and reviews of the intelligence activities of any department or agency of the United States. For the purpose of conducting any such audit or review, the Comptroller General,

or any of his duly authorized representatives, shall be given access to and the opportunity to examine all books, accounts, records, reports, files, and all other materials within the possession, custody, or control of any such department or agency.

SEC. 16. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, 94th Congress, all records, files, documents, and other materials of such committee shall be transferred to the Committee on Intelligence Activities.

SEC. 17. As used in this Act --

(1) The term "^{foreign}national intelligence" means the collection, analysis, production, dissemination, and use of political, military, and economic information affecting the relations of the United States with foreign governments, and other activity which is in support of, ~~or supported by~~ the collection, analysis, production, dissemination, and use of such information. Such term also includes, but is not limited to, counterintelligence and clandestine activities.

(2) The term "domestic intelligence" means (a) the collection within the United States, its territories and possessions, of information about foreign intelligence services within the United States and the analysis, production, dissemination, and use of such information; (b) information about those activities of persons within the United States, its territories and possessions which is, or may be, considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose a threat to the internal security of the United States; and (c) any activity which is in support of such information described in clause (a) or (b) of this paragraph. Such term also includes, but is not limited to, counterintelligence and clandestine activities.

(3) The term "intelligence activities" means the sphere of action and function of national intelligence and domestic intelligence.

SEC. 18. Nothing in this Act shall be construed as constituting an authorization for the conduct of any activity not otherwise authorized by law.

SEC. 19. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby.